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As a Prosecutor I have great concern about the strain on the system to require "All discussions regarding a defendant's plea (taking place) in open court and. . . placed on the record." Does this mean that If I call a defense attorney in advance of a court scheduled Pre-trial to make an offer to resolve the case, that I would be in violation of the court rule? In criminal cases, there would cease to be communications between prosecutors and defense attorneys outside of court when the issue of resolution short of trial is at hand. Often times plea agreements are reached after months of negotiations between the attorneys. I fail to see how this one line dictate in the court rule is going to solve the concern of defendant's being coerced into a plea agreement. The existing rules offer adequate safeguards when coupled with the Michigan Rules of Professional conduct.

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